



General Assembly

February Session, 2018

Raised Bill No. 466

LCO No. 2265



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING
REQUIRED OF LAW ENFORCEMENT PERSONNEL WITH RESPECT
TO DOMESTIC VIOLENCE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 46b-38b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) [Whenever] Except as provided in subsection (b) of this section,
4 whenever a peace officer determines upon speedy information that a
5 family violence crime has been committed within such officer's
6 jurisdiction, such officer shall arrest the person [or persons] suspected
7 of its commission and charge such person [or persons] with the
8 appropriate crime. The decision to arrest and charge shall not (1) be
9 dependent on the specific consent of the victim, (2) consider the
10 relationship [of the parties] between persons suspected of committing
11 a family violence crime, or (3) be based solely on a request by the
12 victim. Whenever a peace officer determines that a family violence
13 crime has been committed, such officer may seize any firearm or
14 electronic defense weapon, as defined in section 53a-3, or ammunition

15 at the location where the crime is alleged to have been committed that
 16 is in the possession of any person arrested for the commission of such
 17 crime or suspected of its commission or that is in plain view. Not later
 18 than seven days after any such seizure, the law enforcement agency
 19 shall return such firearm, electronic defense weapon or ammunition in
 20 its original condition to the rightful owner thereof unless such person
 21 is ineligible to possess such firearm, electronic defense weapon or
 22 ammunition or unless otherwise ordered by the court.

23 (b) [No peace officer investigating an incident of family violence
 24 shall threaten, suggest or otherwise indicate the arrest of all parties for
 25 the purpose of discouraging requests for law enforcement intervention
 26 by any party. Where complaints are made by two or more opposing
 27 parties, the officer shall evaluate each complaint separately to
 28 determine whether such officer should make an arrest or seek a
 29 warrant for an arrest. Notwithstanding the provisions of subsection (a)
 30 of this section, when a peace officer reasonably believes that a party in
 31 an incident of family violence has used force as a means of self
 32 defense, such officer is not required to arrest such party under this
 33 section.] When complaints of family violence are made by two or more
 34 opposing persons, a peace officer is not required to arrest both
 35 persons. The peace officer shall evaluate each complaint separately to
 36 determine which person is the dominant aggressor. In determining
 37 which person is the dominant aggressor, the peace officer shall
 38 consider the need to protect victims of domestic violence, whether one
 39 person acted in defense of self or a third person, pursuant to section
 40 53a-19, the relative degree of any injury, threats creating fear of
 41 physical injury, and any history of family violence between such
 42 persons, if such history can reasonably be obtained by the peace
 43 officer. The peace officer shall arrest the person whom the officer
 44 believes to be the dominant aggressor. The provisions of this section
 45 shall be construed to discourage, when appropriate, but not prohibit,
 46 dual arrests.

47 (c) No peace officer investigating an incident of family violence shall
 48 threaten, suggest or otherwise indicate the arrest of all persons

49 involved in such incident for the purpose of discouraging any request
 50 from a person for law enforcement intervention.

51 [(c)] (d) No peace officer shall be held liable in any civil action
 52 regarding personal injury or injury to property brought by any party
 53 to a family violence incident for an arrest based on (1) probable cause;
 54 [or] (2) for any conditions of release imposed pursuant to subsection
 55 (b) of section 54-63c; or (3) determinations made pursuant to
 56 subsection (b) of this section.

57 [(d)] (e) It shall be the responsibility of the peace officer at the scene
 58 of a family violence incident to provide immediate assistance to the
 59 victim. Such assistance shall include, but not be limited to: (1)
 60 Assisting the victim to obtain medical treatment if such treatment is
 61 required; (2) notifying the victim of the right to file an affidavit for a
 62 warrant for arrest; (3) informing the victim of services available,
 63 including providing the victim with contact information for a regional
 64 family violence organization that employs, or provides referrals to,
 65 counselors who are trained in providing trauma-informed care; (4)
 66 referring the victim to the Office of Victim Services; and (5) providing
 67 assistance in accordance with the uniform protocols for treating
 68 victims of family violence whose immigration status is questionable,
 69 established pursuant to subsection [(g)] (h) of this section. In cases
 70 where the officer has determined that no cause exists for an arrest,
 71 assistance shall include: (A) Assistance as provided in subdivisions (1)
 72 to (5), inclusive, of this subsection; and (B) remaining at the scene for a
 73 reasonable time until, in the reasonable judgment of the officer, the
 74 likelihood of further imminent violence has been eliminated. For the
 75 purposes of this subsection, "trauma-informed care" means services (i)
 76 directed by a thorough understanding of the neurological, biological,
 77 psychological and social effects of trauma and violence on a person;
 78 and (ii) delivered by a regional family violence organization that
 79 employs, or provides referrals to, counselors who: (I) Make available to
 80 the victim of family violence resources on trauma exposure, its impact
 81 and treatment; (II) engage in efforts to strengthen the resilience and
 82 protective factors of victims of family violence who are impacted by

83 and vulnerable to trauma; (III) emphasize continuity of care and
84 collaboration among organizations that provide services to children;
85 and (IV) maintain professional relationships for referral and
86 consultation purposes with programs and persons with expertise in
87 trauma-informed care.

88 ~~[(e)]~~ (f) (1) Each law enforcement agency shall develop, in
89 conjunction with the Division of Criminal Justice, and implement
90 specific operational guidelines for arrest policies in family violence
91 incidents. Such guidelines shall include, but not be limited to: (A)
92 Procedures for the conduct of a criminal investigation; (B) procedures
93 for arrest and for victim assistance by peace officers; (C) education as
94 to what constitutes speedy information in a family violence incident;
95 (D) procedures with respect to the provision of services to victims; and
96 (E) such other criteria or guidelines as may be applicable to carry out
97 the purposes of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive,
98 and 54-1g. Such procedures shall be duly promulgated by such law
99 enforcement agency. On and after October 1, 2012, each law
100 enforcement agency shall develop and implement specific operational
101 guidelines for arrest policies in family violence incidents which, at a
102 minimum, meet the standards set forth in the model law enforcement
103 policy on family violence established in subdivision (2) of this
104 subsection.

105 (2) There is established a model law enforcement policy on family
106 violence for the state. Such policy shall consist of the model policy
107 submitted by the task force established in section 19 of public act 11-
108 152 on January 31, 2012, to the joint standing committee of the General
109 Assembly having cognizance of matters relating to the judiciary, as
110 amended from time to time by the Family Violence Model Policy
111 Governing Council established pursuant to section 46b-38j.

112 (3) Not later than January 15, 2013, and annually thereafter, the
113 chairperson of the Police Officer Standards and Training Council shall
114 provide notice of updates to the model policy, if any, adopted by the
115 council during the prior calendar year, to the chief law enforcement

116 officer of each municipality having a police department, the law
117 enforcement instructor of each such police department, and the
118 Commissioner of Emergency Services and Public Protection.

119 (4) Not later than July 1, 2013, and annually thereafter, each law
120 enforcement agency shall submit a report to the Commissioner of
121 Emergency Services and Public Protection, in such form as the
122 commissioner prescribes, regarding the law enforcement agency's
123 compliance with the model law enforcement policy on family violence
124 for the state.

125 (5) On and after July 1, 2010, each law enforcement agency shall
126 designate at least one officer with supervisory duties to expeditiously
127 process, upon request of a victim of family violence or other crime who
128 is applying for U Nonimmigrant Status (A) a certification of
129 helpfulness on Form I-918, Supplement B, or any subsequent
130 corresponding form designated by the United States Department of
131 Homeland Security, confirming that the victim of family violence or
132 other crime has been helpful, is being helpful, or is likely to be helpful
133 in the investigation or prosecution of the criminal activity, and (B) any
134 subsequent certification required by the victim.

135 ~~[(f)]~~ (g) The Police Officer Standards and Training Council, in
136 conjunction with the Division of Criminal Justice, shall establish an
137 education and training program for law enforcement officers,
138 supervisors and state's attorneys on the handling of family violence
139 incidents. Training under such program shall: (1) Stress the
140 enforcement of criminal law in family violence cases and the use of
141 community resources, and include training for peace officers at both
142 recruit and in-service levels; and (2) include, but not be limited to: (A)
143 The nature, extent and causes of family violence; (B) factors for
144 determining a dominant aggressor in a family violence case; (C) legal
145 rights of and remedies available to victims of family violence and
146 persons accused of family violence; ~~[(C)]~~ (D) services and facilities
147 available to victims and persons who commit acts of family violence;
148 ~~[(D)]~~ (E) legal duties imposed on police officers to make arrests and to

149 offer protection and assistance, including applicable probable cause
 150 standards; and [(E)] (F) techniques for handling incidents of family
 151 violence that minimize the likelihood of injury to the officer and
 152 promote the safety of the victim. [On and after July 1, 2010, training]
 153 Training under such program shall also include, within available
 154 appropriations, information on (i) the impact of arrests of multiple
 155 parties in a family violence case on the immigration status of the
 156 parties; (ii) crime scene investigation and evaluation practices in family
 157 violence cases designed by the council to reduce the number of
 158 multiple arrests in family violence cases; and (iii) practical
 159 considerations in the application of the general statutes related to
 160 family violence. [On and after July 1, 2010, such] Such training shall
 161 also address, within available appropriations, eligibility for federal T
 162 Visas for victims of human trafficking and federal U Visas for
 163 unauthorized immigrants who are victims of family violence and other
 164 crimes.

165 [(g)] (h) [Not later than July 1, 2010, the] The Police Officer
 166 Standards and Training Council shall establish uniform protocols for
 167 treating victims of family violence whose immigration status is
 168 questionable, and shall make such protocols available to law
 169 enforcement agencies. Each law enforcement agency shall adopt and
 170 use such protocols on and after the date they are established by the
 171 council.

172 Sec. 2. Section 7-294g of the general statutes is repealed and the
 173 following is substituted in lieu thereof (*Effective October 1, 2018*):

174 (a) Each police basic or review training program conducted or
 175 administered by the Division of State Police within the Department of
 176 Emergency Services and Public Protection, by the Police Officer
 177 Standards and Training Council established under section 7-294b or by
 178 a municipal police department in the state shall provide a minimum of
 179 two hours of training on the subject of domestic violence that includes,
 180 but is not limited to, the following: (1) Enforcement of criminal laws
 181 applicable in cases involving domestic violence; (2) factors for

182 determining a dominant aggressor in a family violence case; (3)
 183 techniques for handling incidents of domestic violence which promote
 184 the safety of the victim and the officer and which reduce the likelihood
 185 of recurrence; [(3)] (4) organizations in the state that offer aid or shelter
 186 to victims of domestic violence; [(4)] (5) applicable procedures in the
 187 prosecution of cases involving domestic violence; [(5)] (6) orders
 188 issued by a court pursuant to chapter 815a. The Division of State
 189 Police, the Police Officer Standards and Training Council or municipal
 190 police departments, in consultation with the [Connecticut Task Force
 191 on Abused Women] statewide domestic violence coalition, shall
 192 develop a [program curriculum and shall submit such curriculum to
 193 the task force for approval. Individual shelter programs in the task
 194 force] standardized training curriculum for use statewide by state and
 195 all municipal police departments. A domestic violence agency, as
 196 defined in section 52-146k, may also conduct domestic violence
 197 training in conjunction with any police training program, pursuant to
 198 the guidelines and certification requirements established by the Police
 199 Officer Standards and Training Council.

200 (b) Each police basic training program conducted or administered
 201 by the Division of State Police within the Department of Emergency
 202 Services and Public Protection, by the Police Officer Standards and
 203 Training Council established under section 7-294b or by a municipal
 204 police department in the state shall include a course on the recognition
 205 and management of child abuse and suicide intervention procedures.

206 Sec. 3. Subdivision (2) of subsection (g) of section 46b-38c of the 2018
 207 supplement to the general statutes is repealed and the following is
 208 substituted in lieu thereof (*Effective October 1, 2018*):

209 (2) The Judicial Department may contract with victim service
 210 providers to make available, either directly or through referral,
 211 appropriate services that include, but are not limited to, the provision
 212 of trauma-informed care, as defined in subsection [(d)] (e) of section
 213 46b-38b, as amended by this act.

214 Sec. 4. Section 54-224 of the general statutes is repealed and the
215 following is substituted in lieu thereof (*Effective October 1, 2018*):

216 Except as provided in subsection [(d)] (e) of section 46b-38b, as
217 amended by this act, the state or any agent, employee or officer thereof
218 shall not be liable for (1) the failure to afford the victim of a crime any
219 of the rights provided pursuant to any provision of the general statutes
220 or (2) the failure to provide the victim of a crime with any notice
221 pursuant to any provision of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	46b-38b
Sec. 2	<i>October 1, 2018</i>	7-294g
Sec. 3	<i>October 1, 2018</i>	46b-38c(g)(2)
Sec. 4	<i>October 1, 2018</i>	54-224

Statement of Purpose:

To reduce the number of dual arrests that occur in domestic violence cases and enhance domestic violence training offered to state and local law enforcement agencies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]